

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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T.O., a minor through his
Guardian Ad Litem Hannah Morris,
Individually and as Personal
Representative of the Estate of
AMY WAYNE MORRIS, Deceased, and
S.O., a minor through his
Guardian Ad Litem Hannah Morris,
Individually and as Personal
Representative of the Estate of
AMY WAYNE MORRIS,

Plaintiffs,

v.

COUNTY OF NEVADA, a Governmental
Entity; WELLPATH, LLC, a
Delaware limited liability
company; MICHAEL O'BRIEN,
individually; NATIVIDAD RICKS,
RN; JENNIFER PIXLEY, RN, JOSEPH
BRITTON, MD, and DOES 1 through
10, inclusive, and MATHEW J.
DUNDON TRUSTEE OF WELLPATH
HOLDINGS, INC. LIQUIDATING
TRUST,

Defendants.

No. 2:24-cv-1131 WBS AC

ORDER GRANTING PLAINTIFFS'
MOTION FOR LEAVE TO FILE
THIRD AMENDED COMPLAINT AND
DENYING DEFENDANT WELLPATH,
LLC'S MOTION TO DISMISS

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1 Plaintiffs have filed a "Motion for Leave to File a
2 Third Amended Complaint" (plaintiffs' "Motion"). (Docket Nos. 76,
3 79.) Defendants Michael O'Brien, Joseph Britton, Jennifer Pixley,
4 Natividad Ricks, and the County of Nevada have filed
5 "Statement[s] of Non-Opposition to" the motion (Docket Nos. 80,
6 81, 83.); and all remaining defendants declined to file either
7 statements of non-opposition or responses in opposition to the
8 Motion. In accordance with the Local Rules as well as the Federal
9 Rules of Civil Procedure, a party's failure to timely file a
10 response in opposition to a motion will be construed as non-
11 opposition to the motion. (See L.R. 230(C) ("A failure to file a
12 timely opposition may also be construed by the Court as a non-
13 opposition to the motion."); see also, Fed. R. Civ. P. 78.)
14 Therefore, being unopposed, plaintiffs' motion is GRANTED.

15 Accordingly, plaintiffs are hereby ORDERED to file
16 their Third Amended Complaint with the Clerk of Court on or
17 before September 19, 2025.

18 Further, in light of the foregoing, defendant Wellpath,
19 LLC's "Motion to Dismiss Due to Bankruptcy Court-Ordered
20 Discharge" (Docket No. 72) is DENIED as moot.

21 IT IS SO ORDERED.

22 Dated: September 16, 2025



23 **WILLIAM B. SHUBB**
24 **UNITED STATES DISTRICT JUDGE**
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